



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/771,319

01/26/2001

Aaron Haskal

WEBTW-55765

6699

7590

06/02/2005

David S. Sarisky, Esq.
FULWIDER PATTON LEE & UTECHT, LLP
Tenth Floor
6060 Center Drive
Los Angeles, CA 90045

EXAMINER

STEVENS, ROBERTA A

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/771,319

Applicant(s)

HASKAL, AARON

Examiner

Roberta A. Shand

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 and 8-10, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Liu (U.S. 6434139 B1).

3. Regarding claim 1, Liu teaches (figure 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol, comprising: a source interface device (32) adapted to receive voice data packets of a specified format from the source system and to reformat voice data packets to a format compatible with the specified communication protocol; and a source gateway (22) adapted to receive the reformatted voice data packets from the source interface device (32) and to route the packets over the IP packet-switched network (10) to a destination gateway (24); wherein the destination gateway (24) is adapted to route the reformatted packet to a destination interface device (14) adapted to reformat the packet to the specified format and to output the reformatted voice packet to the destination system (6).

Art Unit: 2665

4. Regarding claim 2, Liu teaches (column 5) the IP packet-switched data network comprises any of the public Internet and private data networks using one of Frame Relay, ATM, Ethernet, Gigabit Ethernet and DSL, as a transport technology and the specified communication protocol is TCP/IP.

5. Regarding claim 3, Liu teaches (column 5, line 1-19) the specified format comprises any of GSM, CDMA, TDMA, FDMA, AMPS and D-AMPS.

6. Regarding claims 4 and 10, Liu teaches (figure 2 and column 5 – col. 6, line 26) the source system comprises: a wireless source telephone (30) adapted to convert voice signals to voice data packets in the specified format, the packets including a data indicating call type (col. 5, lines 40-55); and a mobile telephone switching office (34) including a source switching device adapted to receive the data packets, to recognize the call type, and to forward the packets to the destination interface device only for a specified call type (col.5, lines 55-58).

7. Regarding claim 5, as for a call type being local calls or long distant calls, Liu teaches (col. 1, lines 30-40) using the IP network for long haul call routing. Therefore it is inherent in Liu's system that a call type is either long haul (long distance) or short haul (local).

8. Regarding claims 6 and 12, Liu teaches (figure 2 and column 5 – col. 6, line 26) a source transceiver/ base station (32) for transmitting the voice data packets from the wireless source telephone to the source switching device.

Art Unit: 2665

9. Regarding claim 8, Liu teaches (fig. 2) a method of transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol, comprising: routing source data packets to a source interface (22) reformatting voice data packets, of a specified format (PCM voice to packet), retrieved from the source system to a format compatible with the specified communications protocol (IP); routing the reformatted voice data packets over the IP packet-switched network (10) to a destination interface (24); reformatting the reformatted packets to the specified format (packets to PCM voice); and routing the re-reformatted voice data to the destination system (6) (col. 5 – col. 6, lines 26).

10. Regarding claim 9, Liu teaches (fig. 2 and col. 5 – col. 6, lines 26) a communications system for transmitting voice data packets from a source system (30) to a destination system (6) over an IP packet-switched network (10) using a specified communication protocol (PSTN or IP), comprising: the source system is adapted to receive local calls and long distance call and the long distance calls are routed to a source interface device (32); the source interface device is adapted to further route the long distance calls to a source gateway (22); the source gateway (22) adapted to receive the voice data from the source system, to convert the voice data into voice data packets compatible with the specified communications protocol (PCM voice to packet) and to route the packets over the IP packet-switched network (10); and a destination gateway (24) adapted to receive the voice data packets from the source gateway (22) over the IP packet-switched network (10), to convert the voice data packets into voice data (packet to PCM voice) and to route the voice data to the destination system (6).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 7 and 13-14 are rejected under 35 U.S.C. 103(a) as being obvious over Liu in view of the admitted prior art.

13. Regarding claims 7 and 13, as mentioned above Liu teaches all of the limitations of claim 1.

14. Liu does not teach the destination source comprising: a wireless destination telephone; a destination switching device and a destination transceiver/base station.

15. The admitted prior art teaches receiving re-formatted data. Since Liu teaches communication between a wireless unit and a wired unit via the data network and the admitted prior art teaches communications between two wireless units without the data network, it would have been obvious to one of ordinary skill in the art to adapt to Liu's system the idea of wireless communication utilizing the VoIP concept of Liu to take advantage of VoIP in the mobile environment.

16. Regarding claim 14, the admitted prior art teaches destination transceiver/base station.

Art Unit: 2665

17. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being obvious over Liu in view of Lim (U.S. 6697355 B1).

18. Regarding claims 15 and 18, Liu teaches as mentioned above all of the limitation of claim 15, except Liu does not teach a second wireless device to transmit and receive voice data in local and long distance modes; and a second switch office.

19. Lim teaches (fig. 4) a second wireless device to transmit and receive voice data in local and long distance modes; and a second switch office. It would have been obvious to one of ordinary skill in the art to adapt to Liu's system Lim's mobile to mobile over IP call routing to take advantage of VoIP in the mobile environment.

20. Regarding claim 16, Lim teaches (abstract) the first interface device is configured to reformat data from wireless to IP and from IP to wireless.

21. Regarding claim 17, Liu teaches (fig. 2) the first and second gateway are configured to convert voice data into voice data packets (PCM voice to packet) for transmitting over a IP voice data network (10) and to reconvert voice data packets into voice data (packet to PCM voice)

22. Regarding claim 19, Liu teaches (fig. 2) first switching office to convert voice data from wireless to 64 kilobit circuit-switched format (PSTN, 8)) for transmittal to the central office (14). Liu does not teach a second switching office. Lim teaches (fig. 4) a second switch office. It

Art Unit: 2665

would have been obvious to one of ordinary skill in the art to adapt to Liu's system Lim's second switching office to take advantage of VoIP in the mobile environment.

23. Regarding claim 20, Liu teaches (fig. 2) the first and second gateways convert the voice data from 64 kilobit circuit-switched format to TCP/IP.

Response to Arguments

24. Applicant's arguments filed December 22, 2004 have been fully considered but they are not persuasive.

25. Applicant argues that Liu does not teach use of an interface device in the source system required by claim 9. Applicant is directed to col. 1, lines 30 –40 where it is explained the use of the IP network in long haul (long distance) routing and figure 2 which depicts the routing of calls over the IP network in long haul situations therefore bypassing the PSTN. The source interface device (32) is configured to route long haul (long distance) data to the gateway and then over the IP network.

26. Applicant argues that Liu does not teach the use of an interface device distinct from the Mobile Telephone Switching Office. Applicant is directed to figure 2 where it is depicted the interface device (Base Station, 32) which is distinct from the Mobile Telephone Switch Office (Mobile Switching Center, 34).

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER